



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

IN REPLY REFER TO:  
7202.4-OS-2018-00303

June 27, 2019

Via email: [45776-17512261@requests.muckrock.com](mailto:45776-17512261@requests.muckrock.com)

Jimmy Tobias  
MuckRock – Pacific Standard Magazine  
DEPT MR 43775  
411A Highland Avenue  
Somerville, MA 02144-2516

Dear Mr. Tobias:

On November 12, 2017, you filed a Freedom of Information Act (FOIA) request seeking the following:

All correspondence, including letters, memos, as well as emails and attachments, sent or received by:

Secretary of the Interior Ryan Zinke  
David Bernhardt  
Scott Hommel  
James Cason  
Doug Domenech  
Katharine MacGregor  
Scott Cameron  
Heather Swift

[C]ontain one or more of the following words: "Joel Clement" and/or "Clement". This request pertains to communications sent or received between March 1, 2017 and the date this request is processed.

We acknowledged your request on December 20, 2017 and advised you of your fee status under the FOIA. We are writing today to respond to your request on behalf of the Office of the Secretary. We are releasing one file consisting of 188 pages. Of those 188 pages, there are two documents containing redactions. Redactions are described below. Additional releases will be forthcoming as we process additional records. In addition, additional records require consultation with another entity. We will notify you when consultation is complete.

**Portions of the documents may be redacted pursuant to Exemption 6 of the FOIA (5 U.S.C. § 552(b)(6)) because they fit certain categories of information:**

### E-mail Addresses

Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.”

The courts have held that the phrase “similar files” involves all information that applies to a particular person. Hertzberg v. Veneman, 273 F. Supp. 2d 67, 85 n.11 (D.D.C. 2003).

To determine whether releasing requested information would constitute a clearly unwarranted invasion of personal privacy, we are required to perform a “balancing test.” This means that we must weigh the individual’s right to privacy against the public’s right to disclosure.

- (1) First, we must determine whether the individual has a discernable privacy interest in the information that has been requested.
- (2) Next, we must determine whether release of this information would serve “the public interest generally” (i.e., would “shed light on the performance of the agency's statutory duties”).
- (3) Finally, we must determine whether the public interest in disclosure is greater than the privacy interest of the individual in withholding.

The information that we are withholding consists of personal information, and we have determined that the individuals to whom this information pertains have a substantial privacy interest in it. Additionally, we have determined that the disclosure of this information would shed little or no light on the performance of the agency’s statutory duties and that, on balance, the public interest to be served by its disclosure does not outweigh the privacy interest of the individuals in question, in withholding it. Nat’l Ass’n of Retired Fed. Employees v. Horner, 879 F.2d 873, 879 (D.C. Cir. 1989).

In summation, we have determined that release of the information that we have withheld would constitute a clearly unwarranted invasion of the privacy of these individuals, and that it therefore may be withheld, pursuant to Exemption 6.

Tony Irish, Attorney-Advisor, in the Office of the Solicitor, was consulted in reaching this decision. Clarice Julka, Office of the Secretary FOIA Officer, is responsible for making this decision.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding any of the issues discussed in this letter, you may contact Ryan McQuighan by phone at 202-513-0765, by fax at 202-219-2374, by e-mail at [os\\_foia@ios.doi.gov](mailto:os_foia@ios.doi.gov), or by mail at U.S. Department of the Interior, 1849 C St, NW, MS-7328 MIB, Washington, D.C. 20240. You also may seek dispute resolution services from our FOIA Public Liaison, Clarice Julka, at the phone and address above.

Sincerely,

Clarice Julka  
Office of the Secretary  
FOIA Officer